

### **REMARKS**

Entry of the foregoing, reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.116, are respectfully requested.

Claims 1-6 and 10-12 were pending in this application.

Claims 1-4, and 10 have been amended to incorporate the subject matter of claim 5. Claims 5-6 and 11-12 have canceled in view of the amendments to claims 1-4 and 10.

No new matter has been added. Applicants reserve the right to file a continuation or divisional application on subject matter canceled by way of this Amendment.

### **Rejections Under 35 U.S.C. §102**

Claims 1-4, 7, 10, 13 and 16 have been rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Matsunaga et al. (U.S. Patent No. 5,391,665). Without acceding to any allegation of the rejection, claims 1-4, and 10 have been amended to incorporate the subject matter of claim 5. To the extent that the rejection might be applied to the claims as amended, the rejection is traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

The Examiner has acknowledged that Matsunaga et al. does not teach a resin member for a valve wherein said resin member is a case body. Accordingly, withdrawal of the rejection is requested.

**Response to Rejections Under 35 U.S.C. §102**

Claims 5, 6, 11 and 12 have been rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Matsunaga et al. in view of Felton (U.S. Patent No. 3,595,523). The rejection is traversed. The rejection as presented is moot, because, without acceding to any allegation of the rejection, claims 5, 6, 11 and 12 have been canceled. However, in as much as the subject matter of claims 5 and 11 has been incorporated into claims 1-4 and 10 as amended, Applicants respectfully submit that if the rejection were applied to claims 1-4 and 10 as amended, the rejection would be improper.

The combination of Matsunaga et al. and Felton cannot be fairly read to teach or suggest a case body of a valve drive section having the combination of features recited in the claims.

Felton discloses a butterfly valve, including a valve body of plastic material. *See* Felton, at col. 1, lines 25-32. Felton does not describe or illustrate a case body of a valve drive section as that term is used in the present specification. *See, e.g.* SPECIFICATION at 13, lines 8-13 and page 13, line 33 et seq. and in the Drawings see reference numeral 1. The valve body 1 disclosed by Felton is not a case body of a valve drive section and Felton provides no disclosure concerning a case body of a valve drive section. To the extent that Felton might generally suggest the use of plastics in valve components, the type of plastic is generally unspecified, and there is certainly no disclosure of the resin material recited in the present claims. *See*, Felton at col. 2, lines 6-10.

Matsunaga et al. discloses a myriad of resin compositions in broad terms. None of the examples presented by Matsunaga et al. are directed to a resin for use in valve components. The word “valve” can not be found in Matsunaga et al. Matsunaga does not teach either the

specific combination of elements nor the ratios of those elements that are recited in the claims. In particular, Matsunaga does not teach the combination in a molding material of a resin composition containing an epoxy acrylate resin (A) having a hydroxyl value of 60 to 100, a polyisocyanate compound (B) having 0.1 to 1.5 isocyanate groups per one hydroxyl group of the epoxy acrylate resin (A), a curing agent (C), an internal mold release agent (D), and 20 to 70% by mass of a fiber reinforcing material (E). Matsunaga does not teach the molding material further comprising 5 to 50 parts by mass of a scaly filler (F) based on 100 parts by mass of the epoxy acrylate resin (A).

Matsunaga does not teach the structural properties required for a resin valve body member that are recited in the claims. Matsunaga does not teach one to make a molding material having a tensile strength of 80 to 400 MPa at normal temperature. Matsunaga does not teach one to make a molding material having a tensile strength of 75 to 350 MPa at 120°C. Matsunaga does not teach one to make a molding material having a tensile strength of 80 to 400 MPa at normal temperature and a notched Izod impact strength of 15 to 100 KJ/m<sup>2</sup> at -20 to 120°C.

Despite the lack of any direction in Matsunaga et al. toward the resin composition which provided the solution afforded by the present invention, the Examiner has contended that it is considered obvious to adjust the ratios of various components in order to obtain the desired properties for an intended use. OFFICE ACTION dated March 4, 2010, at 3. Applicants respectfully maintain that such a conclusory statement is not sufficient to establish a *prima facie* basis for rejecting the claims. Matsunaga's sweeping disclosure does nothing to point a person of ordinary skill in the art toward the particular solution that is claimed here. It can not simply be held that it would have been obvious to try every combination of the myriad possible compositions disclosed by Matsunaga et al., without any guidance or apparent basis

for doing so apart from that which is taught in the present specification. “[A]n invention is not obvious to try where vague prior art does not guide an inventor toward a particular solution.” *Bayer Schering Pharma AG v. Barr Laboratories Inc.*, 91 USPQ2d 1569, 1573 (Fed. Cir. 2009).

To make out a proper rejection requires an explicit analysis articulating a reason for combining the particular elements and features recited in the claims. *See KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007) (*citing In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329 (Fed Cir. 2006) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”)). No such analysis has been adduced.

An analysis must explain how a person of ordinary skill would have been led to make the particular invention at issue. The Federal Circuit has noted that “it remains appropriate for a post-*KSR* court considering obviousness ‘to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.’” *Fresenius USA Inc. v. Baxter International Inc.*, 92 USPQ2d 1163, 1173 (Fed. Cir. 2009) (*citing KSR*, 550 U.S. at 418). Here, there is no evidence adduced in the Office Action, or to be found in the prior art, that there would have been any apparent reason to combine the particular compositional and structural elements recited in the claim to make a valve body member. Therefore, there is not a sufficient basis to maintain a *prima facie* case of obviousness.

Accordingly, the rejection is not applicable to the claims as amended.

**CONCLUSION**

For at least the foregoing reasons, the all pending rejections should be withdrawn. In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions relating to this Amendment and reply, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

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